

RR-473 PCT/US

U.S. APPLICATION NO. (If known, see 37 CFR 1.5)  
**09/762152**

**TRANSMITTAL LETTER TO THE UNITED STATES  
DESIGNATED/ELECTED OFFICE (DO/EO/US)  
CONCERNING A FILING UNDER 35 U.S.C. 371**

INTERNATIONAL APPLICATION NO.  
**PCT/CA99/01123**INTERNATIONAL FILING DATE  
**November 22, 1999**PRIORITY DATE CLAIMED  
**November 23, 1998****TITLE OF INVENTION****METHOD AND APPARATUS FOR TREATMENT OF RESPIRATORY INFECTIONS BY NITRIC OXIDE INHALATION**

APPLICANT(S) FOR DO/EO/US

**Chris C. MILLER**

Applicant herewith submits to the United States Designated/Elected Office (DO/EO/US) the following items and other information:

1.  This is a **FIRST** submission of items concerning a filing under 35 U.S.C. 371.
2.  This is a **SECOND** or **SUBSEQUENT** submission of items concerning a filing under 35 U.S.C. 371.
3.  This is an express request to promptly begin national examination procedures (35 U.S.C. 371(f)).
4.  The US has been elected by the expiration of 19 months from the priority date (PCT Article 31).
5.  A copy of the International Application as filed (35 U.S.C. 371(c)(2))
  - a.  is attached hereto (required only if not communicated by the International Bureau).
  - b.  has been communicated by the International Bureau.
  - c.  is not required, as the application was filed in the United States Receiving Office (RO/US).
6.  An English language translation of the International Application as filed (35 U.S.C. 371(c)(2)).
7.  Amendments to the claims of the International Application under PCT Article 19 (35 U.S.C. 371(c)(3))
  - a.  are attached hereto (required only if not communicated by the International Bureau).
  - b.  have been communicated by the International Bureau.
  - c.  have not been made; however, the time limit for making such amendments has NOT expired.
  - d.  have not been made and will not be made.
8.  An English language translation of the amendments to the claims under PCT Article 19 (35 U.S.C. 371(c)(3)).
9.  An oath or declaration of the inventor(s) (35 U.S.C. 371(c)(4)).
10.  An English language translation of the annexes to the International Preliminary Examination Report under PCT Article 36 (35 U.S.C. 371(c)(5)).

**Items 11 to 16 below concern document(s) or information included:**

11.  An Information Disclosure Statement under 37 CFR 1.97 and 1.98.
12.  An assignment document for recording. A separate cover sheet in compliance with 37 CFR 3.28 and 3.31 is included.
13.  A **FIRST** preliminary amendment.  
 A **SECOND** or **SUBSEQUENT** preliminary amendment.
14.  A substitute specification.
15.  A change of power of attorney and/or address letter.
16.  Other items or information:
  - a) International Publication No. WO 00/30659 dated 2 June 2000 with International Search Report.
  - b) PCT Request.
  - c) Notification Relating to Priority Claim dated 24 December 1999.
  - d) Notification Concerning Submission of Priority Document dated 20 January 2000.
  - e) Notice Informing Applicant of the Communication of the International Application to the Designated Offices.
  - f) PCT Chapter II Demand.
  - g) Information Concerning Elected Offices Notified of their Election.
  - h) PCT Written Opinion dated 29 August 2000.

17.  The following fees are submitted:

**BASIC NATIONAL FEE (37 CFR 1.492 (a) (1) - (5) ) :**

Neither international preliminary examination fee (37 CFR 1.482) nor international search fee (37 CFR 1.445(a)(2)) paid to USPTO and International Search Report not prepared by the EPO or JPO ..... \$1000.00

International preliminary examination fee (37 CFR 1.482) not paid to USPTO but International Search Report prepared by the EPO or JPO ..... \$860.00

International preliminary examination fee (37 CFR 1.482) not paid to USPTO but international search fee (37 CFR 1.445(a)(2)) paid to USPTO ..... \$710.00

International preliminary examination fee paid to USPTO (37 CFR 1.482) but all claims did not satisfy provisions of PCT Article 33(1)-(4) ..... \$690.00

International preliminary examination fee paid to USPTO (37 CFR 1.482) and all claims satisfied provisions of PCT Article 33(1)-(4) ..... \$100.00

**ENTER APPROPRIATE BASIC FEE AMOUNT =****CALCULATIONS PTO USE ONLY**

Surcharge of \$130.00 for furnishing the oath or declaration later than  20  30 months from the earliest claimed priority date (37 CFR 1.492(e)).

\$ 860	
\$	

CLAIMS	NUMBER FILED	NUMBER EXTRA	RATE
Total claims	69 - 20 =	49	X \$18.00
Independent claims	5 - 3 =	2	X \$80.00

MULTIPLE DEPENDENT CLAIM(S) (if applicable)	+ \$270.00	\$ 0
<b>TOTAL OF ABOVE CALCULATIONS =</b>	<b>\$ 1,902</b>	

<input checked="" type="checkbox"/> Applicant claims small entity status. See 37 CFR 1.27. The fees indicated above are reduced by 1/2.	\$ 951
<b>SUBTOTAL =</b>	<b>\$ 951</b>

Processing fee of \$130.00 for furnishing the English translation later than <input type="checkbox"/> 20 <input type="checkbox"/> 30 months from the earliest claimed priority date (37 CFR 1.492(f)).	\$
+ \$	

<b>TOTAL NATIONAL FEE =</b>	<b>\$ 951</b>
Fee for recording the enclosed assignment (37 CFR 1.21(h)). The assignment must be accompanied by an appropriate cover sheet (37 CFR 3.28, 3.31). \$40.00 per property	+ \$ 0

<b>TOTAL FEES ENCLOSED =</b>	<b>\$ 951</b>
Amount to be refunded:	\$
charged:	\$ 951

- a.  A Credit Card Payment Form is enclosed to cover the above fees.
- b.  Please charge my Deposit Account No. \_\_\_\_\_ in the amount of \$\_\_\_\_\_ to cover the above fees. A duplicate copy of this sheet is enclosed.
- c.  The Commissioner is hereby authorized to charge any additional fees which may be required, or credit any overpayment to Deposit Account No. 18-1743. A duplicate copy of this sheet is enclosed.

**NOTE: Where an appropriate time limit under 37 CFR 1.494 or 1.495 has not been met, a petition to revive (37 CFR 1.137(a) or (b)) must be filed and granted to restore the application to pending status.**

SEND ALL CORRESPONDENCE TO:

**RODMAN & RODMAN**  
**7 South Broadway**  
**White Plains, New York 10601**

**Telephone: (914) 949-7210**  
**Facsimile: (914) 993-0668**



SIGNATURE:

**Philip Rodman**

NAME

**25, 704**

REGISTRATION NUMBER

**February 2, 2001**

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The PTO did not receive the following  
listed item(s).

NO POSTCARD